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WORLD CONFERENCE ON HUMAN RIGHTS

Preparatory Committee
First session
Geneva, 9-13 September 1991
Items 5, 6 and 7

AGENDA, RULES OF PROCEDURE, DATES, DURATION, VENUE OF AND PARTICIPATION AT THE WORLD CONFERENCE

PREPARATORY MEETINGS AND ACTIVITIES AT THE INTERNATIONAL, REGIONAL AND NATIONAL LEVELS

STUDIES AND OTHER DOCUMENTATION FOR THE WORLD CONFERENCE

Recommendations on the World Conference on Human Rights and its preparation submitted pursuant to paragraph 10 of General Assembly resolution 45/155

Report of the Secretary-General

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III. RECOMMENDATIONS SUBMITTED BY NON-GOVERNMENTAL ORGANIZATIONS IN CONSULTATIVE STATUS

International Service for Human Rights

GE.92-12022/9346a

FINAL ACT

The World Congress on Human Rights,

Having met and deliberated in New Delhi from 10 to 15 December 1990 on key issues relating to promotion and protection of human rights,

Recalling various instruments of human rights adopted by the United Nations and its Specialized Agencies, especially the Universal Declaration of Human Rights and International Covenants on Human Rights,

Reiterating that human beings occupy a key position in all spheres of activity on this planet, that it is precisely for realization of their rights and freedoms that society, both at the national and international levels, has to be organized,

Taking into consideration gross violations of human rights, conflicts and tensions which are rampant in various parts of the world,

Bearing in mind that peace would come to all people through universal respect for the basic human rights of everyone,

Recommends to the United Nations and its Specialized Agencies, all Governments, and other organizations, both inter-governmental and non-governmental, concerned with human rights, as follows:

I

CIVIL AND POLITICAL RIGHTS: PROTECTION OF PERSONAL INTEGRITY

The World Congress on Human Rights,

1. *Calls upon* all Governments to ratify international instruments containing safeguards and remedies against torture, disappearances and extra-judicial executions, including the International Covenant on Civil and Political Rights (ICCPR) and its First Optional Protocol and the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and should reflect in their domestic legislation and practice these safeguards and those provided in the United Nations principles on the effective prevention and investigation of extra-legal, arbitrary and summary executions;

2. *Recommends* that the draft declaration on the protection of all persons from enforced or involuntary disappearance now before the United Nations Commission on Human Rights be examined and adopted as a matter of the highest priority;

3. *Affirms* that the scope of administrative detention should be strictly limited and it should never be used to imprison prisoners of conscience, or to avoid providing a fair trail as soon as practicable to other political prisoners;

4. *Stresses* that whenever administrative detention is applied it should be subject to strict judicial control by a fully independent judiciary;

5. *Underlines* the need to provide prisoners held in administrative detention with all the safeguards required by the United Nations principles for the protection of all persons under any form of detention or imprisonment, including the obligation to inform individuals on their rights at the time of their detention, the rights to be heard promptly after arrest, and to challenge the detention at any time before a judicial or other independent authority, and prompt access to their families and lawyers;

6. *Believes* that the concept of national security should be clearly, precisely and strictly defined. Different grounds for derogation, such as extreme social unrest, serious threats to political stability and acute economic emergency, should be clearly distinguished (All grounds for derogation should be subject to the general criterion of a clear threat to the human rights of the population at large.);

7. *Affirms* that any state of emergency should be legally introduced and proclaimed, should be notified as required by international human rights treaties, and should be introduced only in response to an exceptional threat and only for such temporary period as that threat continues to exist. The exceptional powers provided under a state of emergency should be only those strictly proportional to the nature of the exceptional threat and should conform to the principle of non-discrimination;

8. *Urges* that the principles of international law applying to states of emergency should be developed through further consideration by the Human Rights Committee of its general comment on Article 4 of the International Covenant on Civil and Political Rights, and the Committee should develop a mechanism for urgent consideration of each declared state of emergency, in order to ensure compliance with established criteria and procedures of international law governing derogations. Additional and alternative sources of information on states of emergency and their impact on human rights should be explored and a computerized information network should be established for that purpose. The role of NGOs should be enhanced in this sphere by adopting an additional protocol to the ICCPR with suitable safeguards;

9. *Welcomes* the total abolition of the death penalty this year by seven countries (Namibia, Czechoslovakia, Ireland, Andorra, Sao Tome and Principe, Mozambique) and its abolition for ordinary crimes in another (Nepal), and urges all Governments to abolish the death penalty in accordance with the right to life and respect for fundamental human rights, and to ratify the Second Optional Protocol to the ICCPR;

10. *Further recommends* that, pending abolition, all Governments should respect the safeguards prescribed by international law limiting the application of the death penalty, including the exclusion from liability to death sentences of juvenile offenders and mentally ill or retarded people, and the requirements of a fair trial with right to appeal to higher court and to seek clemency.

II

NGOs AND HUMAN RIGHTS

The World Congress on Human Rights,

1. *Appreciates* the contribution of non-governmental organizations (NGOs) as the eyes and ears as well as the conscience of the world-wide community of human rights concerns;

2. *Calls upon* its member States, and all governmental and inter-governmental organizations to assist and sustain the establishment and development of human rights NGOs without compromising their freedom to facilitate their functioning with dignity;

3. *Calls upon* all human rights NGOs to pool their resources, to coordinate their activities, to collaborate among themselves and to work incessantly for the progressive realization of human rights, responsibilities and obligations;

4. *Recommends*

(a) translation, by or with the assistance of NGOs, of UN documents on human rights into different national languages and their dissemination for human rights literacy, education and research with a view to making people at large aware of all human rights, responsibilities and obligations;

(b) free and ready accessibility of NGOs to all documents and reports of transactions relating to their country in the United Nations system;

(c) an organized campaign by NGOs to request their Governments to ratify all UN human rights instruments and for setting up effective mechanisms for guaranteeing compliance with them;

(d) special attention by the United Nations Information Centres and the United Nations regional offices in their several locations all over the world to ensure easy availability of the campaign materials and resolutions passed and other similar information related to human rights and published by the United Nations to all concerned and interested groups;

(e) use of student associations/unions of colleges and universities as an effective means of reaching the youth

with a view to enlisting their active participation in the world-wide human rights movement;

(f) training and other programmes and preparation of kits to acquaint NGOs and voluntary professional workers and to devise functionally useful formats;

(g) development and adaptation of flexible and simple as well as elaborate documentation systems in respect of human rights and their violations in the world for the use of NGOs;

(h) workshops, group discussions, exchange programmes, seminars and other human rights meetings, more particularly in the developing world, with a view to progressive geographical decentralization of the Centre for Human Rights in Geneva and its activities;

(i) selection by NGOs of certain human rights instruments and United Nations resolutions and campaigns by them for their implementation by Governments and the United Nations;

(j) technical facilitation and dissemination of human rights awareness, education and research by the Geneva-based International Service for Human Rights;

(k) emphasis by NGOs on the essential connection between development, especially of disadvantaged people, and human rights, especially economic, social and cultural rights;

(l) strict compliance and pre-audited by all international aid and lending agencies in respect of the mandate of human rights observance in all their activities;

(m) public education and public interest campaigns by NGOs whenever human rights are violated in the name of or under the cover of "development" which undermines and impairs human rights;

(n) support by NGOs for a United Nations Convention against Religious Intolerance; and

(o) coordination by international human rights NGOs with national and local human rights NGOs based on the recognition of the local and national NGOs as the grassroots foundation of the world-wide movement for human rights, responsibilities and obligations.

III

ECONOMIC, SOCIAL AND CULTURAL RIGHTS: PROTECTION OF HUMAN DIGNITY

The World Congress on Human Rights,

1. *Considers* economic, social and cultural rights and the right to development as core rights and their realization as necessary for the protection of human dignity;

2. *Urges* that criteria for development strategies be laid down under the four broad categories: conditions of life, conditions of work, equality of access to resources, and participation, and that it is necessary to formulate indicators for the assessment of progress in the realization of human rights, especially in economic, social and cultural areas;

3. *Expresses* profound concern on many instances of violations of human rights by Transnational Corporations (TNCs) in home and host countries, such as marketing of banned drugs, exploitation of labour, massive loss of life and health due to production of hazardous substances;

4. *Demands* the accountability of Transnational Corporations and the enforcement of their obligations and responsibilities should be ensured by international organizations and Governments through formulation and implementation of appropriate code of conduct;

5. *Recommends* that necessary steps be taken at all levels to set right the existing maladies in the area of development and realization of the right to development as a human right. These include:

(a) a new definition of development which should consider such questions as: development for whom; by whom, at what cost to the individual and the environment; and a global effort to formulate this definition of development so geared to the objectives of the Universal Declaration of Human Rights and other international

declarations, covenants, charters and treaties as a priority task;

(b) formulation of new strategies, goals and activities;

(c) promotion of active participation of people at the grassroots level, and ensuring that the people are actively involved at all stages of initiation, goal setting, resources allocation on priority basis, implementation of programmes after their formulation, and the control assessment, monitoring and evaluation of development activities;

(d) elimination of undue influence and pressure by lending agencies and efforts to reduce, if not eliminate, the quantum and conditionalities of foreign aid extended to developing countries;

(e) use of guidelines and criteria in the initiation, planning, budgeting and programme implementation of agricultural, industrial, scientific and other development so as to ensure that a single step taken for development will, apart from not reducing respect for and observance of human rights, guarantee that the people are enabled to achieve increasing freedom to exercise the fundamental human rights enunciated and elaborated in international instruments;

(f) that a code of conduct be formulated for the compliance by all developmental agencies - national and international - in order to achieve enjoyment of powers of decision-making and distribution of the benefits of development on the bases of equality and justice among all peoples of the world;

(g) that international machinery to evaluate and monitor the process of development, concomitant with the realization of human rights be strengthened, through wide acceptance of and compliance with all international declarations, covenants and treaties adopted and to be adopted in future;

(h) that a greater role be given to NGOs to disseminate information and create awareness among the people and encourage increased involvement of people in all developmental activities, as outlined above; and

(i) that democratically established criteria be laid down by assessing the fruits of development and to measure them in terms of the realization of human rights and to devise a mechanism by which lending agencies and the recipient Governments will enter into only such financial arrangements that bring about the effective enjoyment of human rights by all. The same principle should apply for technical assistance and cooperation;

6. *Notes* the declining living standards and increasing deprivation of the basic needs and human rights of the people of the world as a result of the failure of the ongoing development strategies and faulty implementation of programmes;

7. *Takes cognizance* of the impending crisis of confidence of the people in the international activities, economy, powers, structures, programmes and mechanisms and the manifested inability of the international community to ensure full realization of human rights by all;

8. *Calls upon* international agencies, national Governments and international organizations to take urgent action to:

(a) formulate in practice and concept new development objectives, strategies and policies to remedy past abuses and to gear all development activities for the promotion and protection of human rights of all;

(b) draw up new and effective conventions, codes of conduct and other necessary instruments for strengthening the right to development and the protection of human dignity through effective realization by all of the economic, social and cultural rights and to devise machinery for wider and effective enforcement of such instruments and secure compliance by all concerned; and

(c) urge on the peoples and non-governmental organizations all over the world to education and encourage wide participation in all development programmes;

9. *Requests* the next World Congress on Human Rights to follow up implementation of these recommendations.

IV

NATURAL RESOURCE CONFLICTS AND THE RIGHT TO SAFE ENVIRONMENT

The World Congress on Human Rights,

1. *Proclaims* the inalienable right of humankind and its posterity to a safe, clean and healthy environment and *acclaims and reiterates* the indivisibility of human rights, peace and progress;

2. *Considers* that the illegal dumping of nuclear, toxic and hazardous materials, products, and wastes, the indiscriminate exploration and exploitation of resources, transfer of destructive technologies, testing of nuclear weapons on or under land and water or in space, nuclear explosions, oil exploration and detrimental exploitation of the common heritage of mankind such as the Antarctica and the operation of hazardous installations, cause or create the risk of death, serious bodily injury, cultural harm, and destruction and devastation of the environment and the life-support systems on which humankind depends for survival;

3. *Considers* it to be imperative to develop and elaborate international norms and standards, to provide for accessible and effective monitoring information-exchange, monitoring of compliance and investigation of violations, and for obtaining redress in all matters relating to a safe, clean and healthy environment;

4. *Emphasizes* the pressing need to strengthen and enlarge international advisory services, training programmes and collaborative consultations, free of cost or at a minimal cost, and the need for the widest dissemination of environmental information and for programmes and projects of environmental and energy literacy, education and research;

5. *Recognizes* that the problem of environmental destruction and growing ecological imbalance are directly caused by the prevalent dominant development ideology using technologies and processes of mass production, centralized distribution mechanism and promotion of consumerism;

6. *Reiterates* the fundamental right of humankind to freedom, equality, decent and adequate condition of life in an environment of quality that permits a life of dignity and well-being, and the equally fundamental responsibility of Governments, peoples, groups and individuals to protect and improve the environment for the present and future generations;

7. *Declares* the obligation of all States, governmental authorities, national and Transnational corporations, groups and individuals, to strive for and assist in the preservation of the balance of nature and all living species in the ecosystem, the progressive realization of environmental protection, conservation of common resources and the prevention, regulation and prohibition of all hazards to ecology and life in the context of sustainable development;

8. *Further declares* that it is a crime against humanity, and calls upon States to expand the categories of international crime, to illegally dump nuclear, toxic and hazardous materials, products nd wastes, to establish and operate hazardous installations without regard for the lives, safety and health, livelihood and cultural values of people, and to destroy, devastate and exhaust resources and life-support systems which are essential to the survival of humankind;

9. *Calls upon* all States to make comprehensive constitutional, statutory and administrative provisions and take appropriate steps to safeguard and secure a safe, clean healthy environment;

10. *Further calls upon* all States to accede to, ratify, implement and enforce by appropriate criminal and other penalties, all relevant international conventions, and to develop, conclude and bring into effect new international instruments that have the object of protecting the environment and the human rights to a healthy, clean and safe environment;

11. *Further calls upon* the United Nations System and all national and international aid and lending agencies to establish and enforce appropriate safeguards, incentives, and financial mechanisms, including "hold-backs" and trust funds, to ensure that recipients of aid adhere to the human rights proclaimed in international treaties, conventions, inter-governmental and non- governmental declarations and resolutions;

12. *Recommends in particular*

(a) the inclusion in national constitution or legislation a Charter of Rights, an Environmental Bill of Rights or a system of fundamental guarantees to a safe, sustainable, clean and healthy environment, including a reasonable right to know and access to information relating to all major projects, policies and processes, both now in operation and those that are being planned or proposed;

(b) provisions for the assessment of and acceptance by individuals, communities and societies, the physical, economic and socio-cultural impacts and risks prior to the approval of major projects or development policies, for compensation, reporting, data-gathering, analysis, standard-setting, investigation, monitoring, enforcement, adjudication, and other related matters as well as provisions for rights of empowerment, people's participation, and opportunities for hearing in crucial decision-making, to the extent possible;

(c) the substitution of innovative and environment- friendly models, technologies and life-styles for existing developmental models, technologies and life-styles;

(d) freely accessible technology transfer for environment- friendly products, processes and know-how;

(e) the prohibition of the illegitimate dumping of nuclear, toxic, hazardous and other similar products, chemicals, wastes and materials;

(f) the prohibition of nuclear weapons testing;

(g) the rational use of natural resources including land and water for integrated development;

(h) scientific development leading to global self- sufficiency within the limits of available natural resources and removing poverty, disease, illiteracy and unemployment;

(i) the adoption of the principle of strict liability in respect of environmental lapses;

(j) conservation of land and water resources by eliminating wasteful consumption, and by afforestation and tree plantation;

(k) a Charter of Rights for workers in hazardous industries which would include: (i) right to know the hazardous or toxic nature of substances and the dangers they pose when handling or when being exposed at the workplace; (ii) protection of those who alert authorities to unsafe working condition; (iii) freedom of choice, freedom from economic coercion, right to refuse unsafe work; (iv) right to qualified and safe co-workers; and (v) right to accurate accident reporting and health reporting systems;

(l) a Charter of Rights for future generations which would (i) recognize the right of future generations to a safe, clean and healthy environment; (ii) impose a duty of stewardship on each generation to conserve and use the environment and natural resources for the benefit of the present and succeeding generations and to prevent irreversible and irreparable harm to life on our planet Earth; (iii) make each generation accountable to the next generation in its use of the natural environment; (iv) to secure environmental accountability through representation of future generations in decision-making by non- governmental organizations acting as trustees, sustainable development of renewable resources and monitoring of the quality of environment, inter-generational trust funds financed by global users' fees or tools, such as fees on land disposal of hazardous waste, "severance tax" on motor vehicles and on products or services that contaminate the Earth's air, atmosphere, space, land and waterways; and

(m) international action to promote (i) the development of the concept of multinational enterprise, criminal and civil liability including liability of corporate directors and high officers; (ii) accountability of national and multinational enterprises directly as subjects of international law; (iii) a comprehensive system of regulation, including prohibition at national and international levels, governing all aspects of chemical and nuclear hazards, such as the export, import, manufacture, use, transport, storage and waste disposal; comprehensive on-going research especially on toxic effects and treatment of effluents and other pollutants, plant design, safety measures and operating procedures, workers' rights, plant siting, and pollution; (iv) the development of international information systems for environmental, economic, socio-cultural impacts and hazard assessment; (v) the improvement of international information systems regarding toxic effects of the chemicals by strengthening and extending the mandate of the International Register of Potentially Toxic Chemicals; (vi) creation of an International Disaster Relief system; (vii) development of a more effective international justice system for victims, for example special rules under international law on jurisdiction, forum, standing, discovery, representation, due process, interim

orders, recognition and enforcement of foreign judgements, and a new international dispute-processing system for victims including legal proceedings by individuals and groups concerned as well as by States; and (viii) the expansion of human rights in the International Covenant on Economic, Social and Cultural Rights to include specifically the right to a safe, clean and healthy environment using the complaints procedure of the Sub-Commission for Prevention of Discrimination and Protection of Minorities and the special application procedure to the Commission on Human Rights and Human Rights Committee.

V

EFFECTIVE REALIZATION OF THE RIGHTS OF WOMEN

The World Congress on Human Rights,

1. *Urges* Governments to ratify the Convention on Elimination of All Forms of Discrimination Against Women and to establish commissions to monitor compliance with it;

2. *Further urges* Governments of countries which have entered reservations to the Convention to withdraw those reservations and to change their laws to the extent necessary;

3. *Calls upon* Governments and the media to disseminate freely information dealing with human rights especially those of women and to take action at every level of society with a view to changing attitudes which may result in discrimination against women and girls;

4. *Condemns* all forms of gender discrimination, including discrimination in respect of the right to be born;

5. *Suggests* legislative and other measures to ensure that no person who tends or medically examines any pregnant woman shall reveal any information, either to the woman herself or to any other person, which might indicate the sex of the unborn child;

6. *Considers* it imperative to eliminate gender discrimination in respect of education, and calls for steps to ensure that education should be universal, free and compulsory for both female and male children at least up to the age of 16;

7. *Recommends* that national laws be examined and revised in order to remove discrimination in the areas of: (a) marriage (b) inheritance (c) matrimonial property (d) matrimonial relations and (e) adoption and guardianship;

8. *Further recommends* the establishment of Family Courts based on the following principles: (a) simplified laws and procedures (b) privacy of hearings (c) policy of appointing family court judges in equal gender proportions and (d) providing counselling and mediation services as part of the court process;

9. *Calls upon* all Governments to take immediate steps to ensure that all discriminatory laws, regulations and regulatory procedures which restrict the movement of women within a country and which restrict the right of women to travel outside their country should be repealed;

10. *Suggests* that an attempt should be made so that future World Congresses may have 50 per cent women, as participants and keynote speakers;

11. *Requests* that this Final Act be circulated to all appropriate bodies, including: (a) United Nations Branch for the Advancement of Women of the Centre for Social Development and Humanitarian Affairs, Vienna; (b) United Nations Commission on the Status of Women; and (c) Governments and the media.

VI

ETHNIC, SOCIAL AND RELIGIOUS CONFLICTS

The World Congress on Human Rights,

1. *Considers* that:

(a) the phrase "ethnic, social and religious conflict" is often a misnomer and leads to false perception and that

such conflicts are variably cited by politicians manipulating the situation to obtain power and to control resources;

(b) tensions between communities largely emanate on the question of control of resources and are heightened by depressed economic situations and economic dislocations; they are not essentially conflict between doctrines of religions but more between people, who happen to belong to a religion, and often only a small section of this community is in conflict;

(c) rise of authoritarianism in response to political and economic challenges is often associated with the abuse of power by dominant ethnic majority and expresses itself in its most blatant way through the excesses of military and law enforcement authorities identified with the ethnic majority;

(d) furthermore, the strong identification of State with religion and culture of the majority leads to alienation of the minorities; as a result, the religious minorities tend to become "exclusivist" which, in turn, escalates conflicts and inhibits dialogue; and

(e) minorities are often marginalized by those in power and that minorities could be defined as a group of people, including women, who are without any share in power and that definitions and their interpretations change in the context of changing and existing social and economic environments in a given situation and there is a continuing need for renewal;

2. *Emphasizes* that:

(a) the need to resolve conflicts peacefully requires much more effort, including the early analyses of the factors leading to marginalization of groups and that it is important for each community to recognize its responsibilities to other communities;

(b) the State and its centralized structural framework has limitations in finding solutions; hence the crucial issue is the devolution of power both structurally and geographically, and the granting of autonomy in many areas while respecting the integrity of the State;

(c) organizations both non-governmental and inter- governmental, especially the United Nations, as well as national Governments have a crucial role to play in promoting research, dissemination of information providing objective views and in bringing communities together;

3. Reaffirms that the United Nations has a crucial role in seeking peaceful solutions to conflict and injustice, and recognizes that violent conflicts involving minorities are a major cause of insecurity and disharmony in the world;

4. *Urges* the United Nations and its member States to recognize the importance of this issue and to seek positive remedies by:

(a) adopting a declaration on "The Rights of Persons belong to National, Ethnic, Religious or Linguistic Minorities", as a matter of immediate urgency. A United Nations convention on religious intolerance may also help enhance the rights of minorities;

(b) member states responding fully and speedily to the urgent requests of the United Nations Sub-Commission on the Protection of Minorities and the Prevention of Discrimination as also urgent requests for information on minorities. States should thereafter submit regular reports on their conditions and policies relating to minorities;

(c) seeking new forums to bring together member States and minorities to find constructive responses to minority issues. In this connection the role of the United Nations General Assembly as an avenue for the consideration of these issues should be greatly enhanced, for example, by permanent reference to the Third or Fourth Committees; and

(d) ensuring that the situation of minorities is made a substantial item on the United Nations Conference on Human Rights, to be held in 1993, reviewing the work of the United Nations in the field of human rights, and that non-governmental organizations (including minority communities) are consulted and involved;

5. *Recognizes and welcomes* the constructive steps taken by Governments in the promotion of dialogues with their minorities and in redressing problem areas. It also recognizes and regrets that some Governments and politicians have ignored or exploited majority-minority differences;

6. *Appeals* to all Governments to recognize that problems do exist and the need for positive measures to facilitate

just and peaceful solutions. These include:

(a) encouraging independent research and analysis of the root causes of conflicts by researchers and non-governmental organizations;

(b) open, impartial and constructive analysis of evidence brought to the attention of Governments, researchers and non-governmental organizations, where possible, together;

(c) the allocation of additional resources to redress injustices in the situation of minority communities and to promote inter-community harmony. This will involve a particular responsibility for donor countries to support initiatives (either bilaterally or multilaterally) of governmental and non-governmental bodies to promote community and inter-community harmony;

(d) the development of regional forums in all regions, where possible, incorporated into international law through a convention, which monitors human and minority rights, and can exercise jurisdiction in relation to individual or group petitions; and

(e) the creation of new institutional bodies - locally, nationally and regionally - to consider and respond to the needs of minorities;

7. Reiterates that non-governmental organizations, particularly those operating at the local and national levels, could play an important role in the resolution of ethnic, social and religious conflicts and calls upon such non-governmental organizations to:

(a) reflect on and review their policies towards minorities;

(b) consider new programmes of action for minorities to resolve injustices and seek peaceful solutions;

(c) identify models of good practice and promote and publicize those experiences;

(d) maintain a dialogue with each other - locally, nationally and internationally - in order to promote understanding and cooperation, especially through issues which transcend ethnic boundaries (for example, the environment);

(e) explore and develop new ways of enabling communities to share power equitably, and to seek the peaceful resolution of conflicts;

(f) develop a continuing programme involving research and the publication of reports, both on the conditions of minorities and on ways of promoting peaceful and just solutions to conflicts; and

(g) direct their activities to persuade Governments to adopt the proposals made at this Congress.

VII

RIGHTS OF REFUGEES AND STATELESS PERSONS

The World Congress on Human Rights,

1. *Recognizes* that the term "refugee" as defined in the 1951 Convention/1967 Protocol ought to be complemented in accordance with the wording of the 1969 OAU Refugee Convention and the 1984 Cartagena Declaration in order to protect persons leaving their country of origin for reasons of international or non-international armed conflicts, foreign aggression, internal disorder or similar events. In the meantime, it calls for further accessions to the 1951 Convention/1967 Protocol and other regional instruments;

2. *Stresses* that the practice with regard to refugee determination had become more restrictive in developed countries during the past few years which, in particular, affected asylum seekers from the Third World. In view of the international character of the refugee problem and the fact that a solution is the responsibility of all States, it calls upon the developed countries to accept more asylum seekers, either those arriving spontaneously or under special resettlement schemes;

3. *Notes* the precarious situation under which internally displaced persons are living and the fact that this

category of persons cannot be assisted by the UN High Commissioner for Refugees (UNHCR) as they are outside the mandate of the Office; therefore, it calls upon the international community to establish a legal basis for assistance of this group by humanitarian organizations;

4. *Believes* that an integrated approach to the refugee problem requires addressing the problem of causes of new flows of refugees. In this context, it stresses the urgent need to reform North-South Economic relations an to take steps towards establishing a new international humanitarian order;

5. *Underlines* the importance of establishing an "early warning system" and participating in current UN efforts to coordinate such systems. Recognizing the need for measures relating to preventive actions for the avoidance of refugee flows, it urges that any preventive actions in this regard should conform with the Statutes of the UNHCR. It further recommends information- sharing on country conditions;

6. *Emphasizes* the need to respect the principle of non- refoulement, including non-rejection at the frontier for all asylum seekers, as also the need to safeguard their access to a refugee determination procedure;

7. *Stresses* the voluntary character of repatriation of refugees. In this regard, it underlines the principle of the right to leave any country, including one's own country (universal Declaration of Human Rights, Art 13, para 2.) and deplores that some countries openly violate that principle. It recommends that guidelines on repatriation should define clearly the responsibility of the country of origin, i.e. development aid and human rights observances - an aspect that includes economic, social and cultural rights as well as civil and political rights;

8. *Recommends* that the international community should decide how to deal with cases where an asylum seeker has been refused refugee status. In some countries a negative decision leads to the forcible deportation to the country of origin, while in others rejectees are kept in camps, or allowed to stay in one way or another. It urges that those determined not to be refugees should enjoy the protection afforded by the Universal Declaration of Human Rights;

9. *Underlines* the deplorable situation of Human Rights; persons who are not refugees. In this context, it draws attention to several measures such as a survey of the extent of statelessness worldwide, collection and dissemination of information on national law and practices, review of the lawfulness of deprivation of citizenship and mandating an international agency for the effective protection of the rights of stateless persons. With regard to refugees who are also stateless, it recommends that countries of asylum should take responsibility to avoid situations of statelessness. As well, those returned to countries of origin should enjoy the same guarantees. Also, it urges States to accede to the 1954 Convention relating to the status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness;

10. *Deplores* the overall cuts to the UNHCR's budget. It calls for consideration to be given to re-evaluation of the emergency assistance structure of UNHCR. In this respect, more effective management and planning could be developed without the constraints imposed by the yearly need to approach States for funding. Finally, it urges that efforts be made to put the question of forced migration on the international agenda.

VIII

PROTECTION OF THE RIGHTS OF VULNERABLE SECTIONS OF THE SOCIETY

The World Congress on Human Rights,

1. *Calls upon* all States:

(a) to ratify the Convention on the Rights of the Child and all related international instruments, and fully and immediately implement them;

(b) to abolish child labour in all its forms in a phased manner and pending the attainment of this objective, to take immediate steps to improve their working conditions; and

(c) to prohibit by law, and enforce such law, the employment of children in work which endangers their health,

safety and morals;

2. *Condemns* child slavery in all its forms wherever it is practiced and calls for immediate intervention of concerned international organizations and Governments to put an end to this practice;

3. *Urges* all States to take effective steps to end the practice of sale of human beings and to punish both the sellers and buyers engaged in the trade;

4. *Notes* with distress and alarm that increasing number of children are incarcerated in inhuman and cruel prison environments in violation of international human rights covenants and constitutional guarantees and calls upon all States which have incarcerated children in jail, especially those detained for trial, to release them forthwith and to provide appropriate rehabilitation and adequate compensation to those children or their families;

5. *Notes* with distress that disabled persons are denied their rightful place in society, neglected and socially and economically marginalized, and recommends:

(a) that a mechanism for the protection of the rights of disabled persons should be established;

(b) that universal access to preventive actions and disability prevention should be incorporated as an integral and high priority component in national socio-economic policies and development plans;

(c) that efforts should be made for the creation of general awareness at the grassroots level about the prevention of disability as well as the rights of disabled persons; and

(d) that home-based care and rehabilitation should be encouraged to the disabled, but where this is not possible they should be provided with institutional care and rehabilitation services;

6. *Notes* with deep concern that little has been done to resolve the problems of migrant workers;

7. *Urges* intensified efforts, both at national and international levels, towards appropriate action programme and its speedy implementation of the rights of migrant workers;

8. *Expresses* distress over the perpetuation of the practice of bonded labour, despite extensive national legislation and international measures seeking its elimination;

9. *Demands* more vigorous efforts for elimination of this form of social injustice;

10. *Calls upon* non-governmental and inter-governmental organizations as also Governments:

(a) to identify the disadvantaged sections of society and their particular needs;

(b) to adopt effective action programmes particularly in respect of education, training and employment; and

(c) to examine and improve upon the existing programmes in response to the needs identified;

11. *Realizes* the fact that internally displaced persons fall outside the mandate of the office of UN High Commissioner for Refugees and are not assisted by that office;

12. *Takes* a serious note of the fact that the displacement of one group of people for the rehabilitation of another set of displaced people often results in inter-group conflicts;

13. *Recommends*:

(a) that a special commission be established to take steps to stop any such major development projects that may cause large scale displacement of people against their consent;

(b) that rehabilitation should first be ensured, then only displacement should take place; and

(c) that rehabilitation should be worked out with the help of local voluntary agencies together with the active and effective participation of the people to be displaced;

14. *Notes* that many of the communities, especially tribal, being displaced by development projects, are land-based for their existence, and, in several cases, have no other skills by which they can seek their livelihood;

15. *Recommends* that access to skills and education and thereby to non-land-based occupations of the vulnerable communities must be increased, in addition to land compensation for displaced communities.

IX

HUMAN RIGHTS INFORMATION, TEACHING AND RESEARCH

The World Congress on Human Rights,

1. *Reiterates* that human rights are indivisible, and include civil and political rights; economic, social and cultural rights as well as solidarity rights;

2. *Urges* that:

(a) human rights education should be understood as encompassing formal, non-formal and informal education, and should aim also to reach parents and policy makers;

(b) the introduction of human rights issues in the formal curricula should be a political decision and not only a technical or procedural matter;

(c) human rights education should not be only intellectual or informative but should also involve action-oriented learning processes;

(d) human rights should not only be incorporated in the formal curriculum as a separate subject but should also be integrated into the entire curriculum, including the hidden curriculum, i.e. the culture of schooling;

(e) human rights education should be included in teacher training institutions and programmes;

(f) teaching materials on human rights should be further developed, within a consistent framework, stressing the inherent dignity of the human being and representing real and concrete situations and needs;

(g) human rights teaching materials should be produced in different forms, both written and audio-visual. Written materials for international use should preferably be made available in the United Nations languages as well as others; and

(h) the UN Centre for Human Rights, Geneva, should hold a series of practical workshops at the earliest to further develop human rights teaching materials for schools. These workshops should bring together those directly involved in producing this material, from inter-governmental, teaching and non-governmental organizations from different regions of the world. Manuals for teaching human rights, as published by the UN Centre for Human Rights as well as by others, may form the basis on which local teaching material can be further developed;

3. *Notes* that most non-governmental organizations (NGOs) are small and have limited resources for information handling. They are trying to increase their capacity to obtain and disseminate the right information at the right time to the right people;

4. *Emphasizes* that sharing of information can best be done in a decentralized network in which the participating organizations

- are conscious of the role and importance of information handling and exchange;
- have or can obtain the competence necessary for systematic information handling;
- agree upon the standards to be used for exchange;
- know about the efforts of other organizations and build up collaboration and trust in the quality of each others' work; and
- work out a division of labour among themselves in which each organization handles information within its area of relative competence and duplication of labour is narrowed down;

5. *Urges* that documentation centres and organizations concerned with human rights should agree on a bilateral and multilateral division of labour in which each organization focuses upon its area of relative expertise, and technical preconditions for exchange of information are guaranteed. Further efforts should be made to develop an agreed and common vocabulary for the exchange of human rights information;

6. *Stresses* that Governments and inter-governmental organizations should provide resources for training of documentation workers in tools and techniques for human rights information handling. In consultation with NGO

networks, training should be promoted in particular at the local level so that human rights organizations can strengthen their information handling capacity;

7. *Recommends* that collaboration between inter-governmental and non-governmental organizations with regard to human rights information should be based on the following principles:

(a) wide and easy public access to all inter-governmental organizations' publications should be maintained and, where possible, strengthened;

(b) plans and projects of inter-governmental organizations to improve the dissemination of information and documentation, in particular to establish computerized databases, should be made publicly known as early as possible and human rights NGOs should be invited to participate in their development;

(c) collaboration in the development of information handling tools and an agreed terminology as basis for exchange of information; and

(d) efforts made by the inter-governmental organizations to assist in establishing or strengthening national centres for human rights information and documentation should be intensified. NGOs should be involved in these programmes;

8. *Emphasizes* that:

(a) the most valuable human rights research is often long term based and contributes substantially to the struggle for human rights;

(b) the quality of human rights research depends greatly on the establishment and strengthening of research centres related both to academic and independent institutions. Such centres would have to attract the interest of professionals and activists of various disciplines and areas. Human rights research should be interdisciplinary in approach;

(c) the preconditions to carry out human rights research, such as academic freedom and technical support, are better in politically stable societies. Such conditions allow the building of permanent research institutions;

(d) innovative teaching and research at university level should be promoted;

(e) in order to ensure expansion of university teaching programmes, the publication and dissemination of human rights research should be widened; and

(f) most academic gatherings in the field tend to take place in the so-called First World with too little participation of researchers from the so-called Third World. In order to achieve cross-fertilization and mutual enhancement, participation of human rights researchers of the so-called Third World should be strengthened;

9. *Recommends* that:

(a) it is necessary to develop further effective contracts and networks among human rights research centres in order to improve communication at the global level. More use should be made of modern and/or alternative means of communication; and

(b) the question of funding human rights research will continue to be difficult as action-oriented work is more easily funded than research. Action-oriented human rights NGOs should take account of the long-term research value of their activities. Therefore, they should seek means to finance the products of research and their dissemination.

X

MECHANISM FOR IMPLEMENTATION OF HUMAN RIGHTS

The World Congress on Human Rights,

1. *Affirms and Reiterates* the vital importance of ensuring the progressive implementation of human rights, responsibilities and obligations throughout the world and the crucial role which institutions and mechanisms of

redress and accountability play in the fuller realization of human rights;

2. *Calls upon* all Governments, which have not done so, to ratify all human rights instruments, in particular (a) the International Covenant on Economic, Social and Cultural Rights, (b) International Covenant on Civil and Political Rights, and (c) the Optional Protocols thereto;

3. *Calls upon* all Governments to take immediate steps, including new legislation, to bring their national constitutions and legislations in conformity with international human rights norms;

4. *Calls upon* all Governments, which have not met their financial obligations under human rights instruments to ensure the efficient operation of the respective implementation mechanisms, to do so urgently;

5. *Urges* State parties to international human rights instruments to observe meticulously the criteria relating to the candidates nominated and elected to treaty-based and other human rights bodies as stipulated in the international instruments thereby ensuring their independence;

6. *Calls upon* (a) the Governments of Asia and Pacific region to follow up earlier initiatives undertaken to examine the feasibility of establishing effective regional mechanisms for the protection and promotion of human rights in Asia and Pacific region, (b) the United Nations Secretary-General to facilitate the holding of seminars towards this purpose, and (c) the non- governmental organizations (NGOs) in the Asia-Pacific region to contribute and participate in this endeavour fully;

7. *Calls upon* the State parties to observe the norms, principles and standards formulated for the purpose of elaborating and effectuating human rights including those which relate to the remedial framework of implementation and enforcement and the independence of judiciary, the legal profession and the jurors and assessors;

8. *Requests* that the good offices role of the United Nations Secretary-General in cases of gross violations or threats of gross violations of human rights be extended;

9. *Calls upon* the United Nations to give serious consideration to the setting up of a Human Rights Council at the same level as the other principal organs of the United Nations to undertake a global watch on human rights, and in this organ provision be made for participation of relevant bodies including NGOs, United Nations specialized agencies, etc.;

10. *Calls upon* the United Nations to recognize the need for an effective spearhead for urgent action on human rights within the UN system and to accord renewed and serious consideration to the proposal for the establishment of UN High Commissioner for Human Rights;

11. *Requests* that the United Nations Centre for Human Rights, Geneva, should ensure the widest possible dissemination of texts of human rights instruments in the relevant languages;

12. *Urges* (a) the further strengthening of the UN Programme of Advisory Services and Technical Assistance for Human Rights (b) regular evaluation by the recipients of the advisory services and technical assistance programmes as to their effectiveness in the protection of human rights and freedoms (c) setting up of training programmes for NGOs on implementation mechanisms as contained in the international human rights instruments (d) active collaboration between the UN Centre for Human Rights and UNESCO in holding regular human rights seminars for judges, lawyers, law enforcement agencies, armed forces, academics, parliamentarians, NGOs and other relevant groups, and (e) active support of UNESCO for human rights education programme of NGOs and other regional and local groups;

13. *Proposes* that the NGOs should give consideration to (a) the establishment of one or more regional associations of human rights workers which would take action on behalf of the human rights defenders who are persecuted or are under the threat of persecution, (b) to set up a Human Rights Defenders' Fund to provide for legal defence and redress and other forms of assistance to the persecuted defenders and their families, and (c) to disseminate information to human rights NGOs and other human rights workers of the existing and proposed mechanisms for support of defenders in distress;

14. *Welcomes* the decision made by the UN General Assembly at its forty-fifth regular session to convene a World Conference on Human Rights in 1993, with a view to evaluating the progress made in the enjoyment of human rights and fundamental freedoms since the Tehran Conference of 1968 and to propose a programme of action for

further strengthening and developing of the human rights programme for the next decade;

15. *Recommends* that (a) an International Steering Committee be established to undertake preparatory work for organizing an NGO forum parallel to the proposed 1993 United Nations Conference on Human Rights, (b) to work to that end, regional working groups be set up which would be represented in the International Steering Committee, (c) efforts must be made to ensure full and effective participation by national and international NGOs in the 1993 United Nations Conference, and (d) the UN Centre for Human Rights, Geneva, should facilitate access to all NGOs and concerned human rights groups to the host country in which the United Nations Conference and the parallel NGOs conference would be held;

16. *Further recommends* that the text of the Final Act of this Congress be widely disseminated and in this regard requests the United Nations Centre for Human Rights to take all necessary measures for dissemination of the Recommendations of the Congress to all United Nations bodies, Governments and international non-governmental organizations.